IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

CLERK'S OFFIC AT BIG ST FI	E U.S. DIST. : ONE GAP, VA
	-~.

FEB 2 8 2011

ROBERT A. KESTNER,) DEST Clark
DI-:-4:55) Case No. 2:10CV00016
Plaintiff,) FINAL JUDGMENT
v. COMMISSIONER OF SOCIALSECURITY,) By: James P. Jones) United States District Judge
Defendant.)

Based upon the court's de novo review of those portions of the magistrate judge's report and recommendations to which the plaintiff objected, it is **ADJUDGED AND**ORDERED as follows:

- 1. The plaintiff's objections are overruled;
- 2. The magistrate judge's report and recommendations are accepted;
- 3. The motion for summary judgment by the Commissioner of Social Security ("Commissioner") is granted;
 - 4. The final decision of the Commissioner is **affirmed**; and
 - 5. The clerk is directed to close the case.

ENTER: February 28, 2011

United States District Judge